

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**ROBINA JENKINS,** )  
                        )  
                        )  
                        )  
**NANCY L. WORLEY, et al.** )                      **Case No. 2:05-CV-1049**  
                        )  
                        )

**Defendants.**

**AFFIDAVIT**

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at Large, personally appeared Alice Ann Byrne, who being known to me and being by me first duly sworn and says as follows:

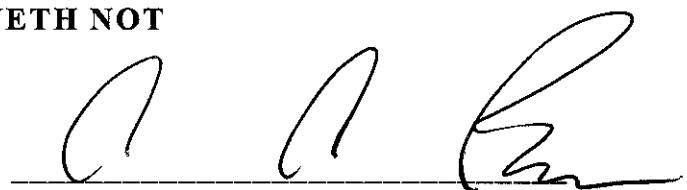
1. My name is Alice Ann Byrne and I am over 21 years of age. I am the General Counsel for the State Personnel Department and have personal knowledge of that which is contained herein.
2. On September 10, 2007, the State Personnel Department began upgrading the computer software on employees' computers from Office 2003 to Office 2007.
3. Within a two week period after September 10, 2007, the undersigned's laptop and desktop computer were upgraded.
4. Shortly thereafter, the undersigned began noticing problems with the Calendar program of Outlook 2007.
5. The undersigned contacted the IT division of SPD upon noticing that previously calendared events would not be on the calendar. One day an event would be on the calendar, the next day it would have

"disappeared" from the calendar. This scenario repeated itself for several weeks with the IT division unable to locate the problem.

6. Finally, it was discovered that "duplicate" calendars had been created – one on the Exchange Server and one on the computer. Items that were placed on one calendar would not appear on the other calendar. As a solution, the IT division "deleted" the computer calendar and no more problems have occurred regarding the "disappearance" of events from the Calendar.
7. When the duplicate calendar was deleted, all active case files were pulled and dates were verified or in many instances re-calendared in an effort to ensure that all deadlines were properly docketed.
8. When the Opposition to Summary Judgment was filed alleging that the Motion and Brief were untimely filed, the undersigned reviewed the Uniform Scheduling Order and the Report of the Parties Planned Meeting in an effort to determine the correct deadlines.
9. Upon review, it was discovered that upon "re-calendaring," the dates contained in the Report of the Parties Planned Meeting were inadvertently used rather than the dates contained in the Uniform Scheduling Order.
10. To the best of the undersigned's knowledge and belief, the dates contained in the Uniform Scheduling Order (Doc. No. 25) were originally and correctly calendared. (these dates are highlighted on Defendants' copy which denotes it has been calendared.) However,

when the review and re-calendaring occurred, it appears the dates contained in the "Report of the Parties Planned Meeting" (Doc. No. 22) were the dates placed on the calendar (also highlighted on Defendants' copy), rather than the correct dates contained in the Uniform Scheduling Order.

**FURTHER AFFIANT SAYETH NOT**

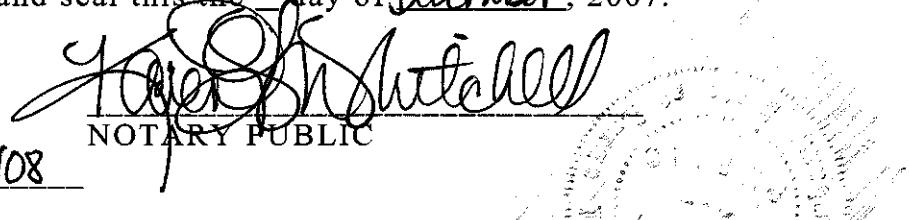


**ALICE ANN BYRNE**

STATE OF ALABAMA )  
COUNTY OF MONTGOMERY)

I, the undersigned, a Notary Public in and for said County and State, hereby certify that ALICE ANN BYRNE, whose name is signed to the foregoing Affidavit and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she voluntarily executed the same on the day the same bears date.

Given under my hand and seal this the 31<sup>st</sup> day of December, 2007.



JENNIFER MITCHELL  
NOTARY PUBLIC

My Commission Expires: 10/06/08